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OFFICE OF PETITIONS

FAX TRANSMISSION**DATE:** January 28, 2008**PTO IDENTIFIER:** Application Number 10/714,858-Conf. #3722
Patent Number**Inventor:** Bor-Jen WU**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** BIRCH, STEWART, KOLASCH & BIRCH, LLP

Shay Canfield

PHONE: (703) 205-8000**Attorney Dkt. #:** 4444-0275PUS1**PAGES (Including Cover Sheet):** 5**CONTENTS:** Fax Cover Sheet (1 page)
Certificate of Transmission (1 page)
Notification of Erroneous Payment of Small Entity Fees (2 page)
Fee Transmittal (1 page)
Authorization to charge Deposit Account No. 02-2448 in the amount of \$720.00

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PTO/SB/67 (08-04)

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Application No. (if known): 10/714,858

Attorney Docket No.: 4444-0275PUS1

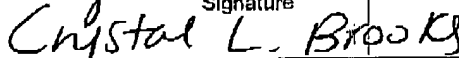
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2008 FEB -5 PM 4:11

Docket No.: 4444-0275PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Bor-Jen WU

Application No.: 10/714,858

Filed: November 18, 2003

For: METHOD FOR FORMING AN OPTO-
ELECTRONIC DEVICE

Confirmation No.: 3722

Art Unit: 2891

Examiner: C. EVERHART

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**NOTIFICATION OF ERRONEOUS PAYMENT OF SMALL ENTITY FEES UNDER 37
C.F.R. § 1.28 AND LOSS OF ENTITLEMENT OF SMALL ENTITY STATUS UNDER 37
C.F.R. § 1.27(G)(2)**

828A1501 844550 00000000 00000000 00000000 00000000
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

02/06/2008 DALLIN 00000007 022448 10714858
Sale Ref: 00000040 DAN: 022448 10714858
01 FC:4461 720.00 DA

Sir:

It is respectfully noted that the above-identified application no longer qualifies for small entity status under 37 C.F.R. § 1.27(a).

Small entity status was established with the filing of the application on November 18, 2003, and the small entity filing fees were properly paid. However, after the application was filed but prior to payment of the issue fee, the status of the assignee changed. The application therefore did not qualify for small entity status at the time the issue fee was paid.

It is therefore respectfully requested that the error be excused. The following items are being submitted to comply with the requirements of 37 C.F.R. 1.28(c):

- (1) Separate submission for each application or patent.

This request is being submitted in connection with U.S. Application No. 10/714,858.

Birch, Stewart, Kolasch & Birch, LLP

KM/ASC/

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Application No.: 10/714,858

Docket No.: 4444-0275PUS1

(2) Payment of deficiency owed.

(i) A \$720.00 small entity issue fee was paid on January 16, 2008, as authorized to be charged to Deposit Account No. 02-2448. Accordingly, the deficiency owed is \$720.00.

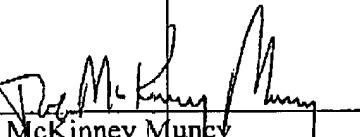
(ii) As payment of the deficiency owed, the U.S. Patent and Trademark Office is authorized to charge the undersigned's Deposit Account No. 02-2448 in the amount of \$720.00.

It is again noted that the failure to notify the U.S. Patent and Trademark Office of the change in entity status at the time the issue fee was paid was made in error, without the intent to deceive. As it is believed that the requirements of 37 C.F.R. § 1.28(c)(1) and (c)(2) have been met, it is respectfully requested that the error be excused and that the U.S. Patent and Trademark Office forward appropriate notification to the undersigned.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: January 28, 2008

Respectfully submitted,

By 

Joe McKinney Muncy

Registration No.: 32,334

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

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PTO/SB/17 (10-07)

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| Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4810). | | Complete if Known | |
|---|-----------------------------------|---|--------------------------|
| FEE TRANSMITTAL For FY 2008 | | Application Number | 10/714,858-Conf. #3722 |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 | | Filing Date | November 18, 2003 |
| TOTAL AMOUNT OF PAYMENT (\$) | | First Named Inventor | Bor-Jen WU |
| 720.00 | | Examiner Name | C. Everhart |
| | | Art Unit | 2891 |
| | | Attorney Docket No. | 4444-0275PUS1 |
| METHOD OF PAYMENT (check all that apply) | | | |
| <input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____ <input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>02-2448</u> Deposit Account Name: <u>Birch, Stewart, Kolasch & Birch, LLP</u> | | | |
| For the above-identified deposit account, the Director is hereby authorized to: (check all that apply) | | | |
| <input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Credit any overpayments | | | |
| FEE CALCULATION | | | |
| 1. BASIC FILING, SEARCH, AND EXAMINATION FEES | | | |
| FILING FEES | | SEARCH FEES | |
| Application Type | Fee (\$) | Small Entity Fee (\$) | Fee (\$) |
| Utility | 310 | 155 | 510 |
| Design | 210 | 105 | 100 |
| Plant | 210 | 105 | 310 |
| Reissue | 310 | 155 | 510 |
| Provisional | 210 | 105 | 0 |
| EXAMINATION FEES | | Small Entity Fee (\$) | |
| | 210 | 105 | |
| | 130 | 65 | |
| | 160 | 80 | |
| | 620 | 310 | |
| | 0 | 0 | |
| 2. EXCESS CLAIM FEES | | Small Entity Fee (\$) | |
| Fee Description | | Fee (\$) | |
| Each claim over 20 (including Reissues) | | 50 | |
| Each independent claim over 3 (including Reissues) | | 210 | |
| Multiple dependent claims | | 370 | |
| Total Claims | | Fee Paid (\$) | |
| 28 - 33 = <u>5</u> x <u>50</u> = <u>250</u> | | | |
| HP = highest number of total claims paid for, if greater than 20. | | | |
| Indep. Claims | | Fee Paid (\$) | |
| 1 - 3 = <u>2</u> x <u>210</u> = <u>420</u> | | | |
| HP = highest number of independent claims paid for, if greater than 3. | | | |
| 3. APPLICATION SIZE FEE | | | |
| If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). | | | |
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) |
| | | | |
| | | | |
| 4. OTHER FEE(S) | | Fees Paid (\$) | |
| Non-English Specification, \$130 fee (no small entity discount) | | | |
| Other (e.g., late filing surcharge): 1501 Utility issue fee (fee deficiency payment) | | 720.00 | |
| SUBMITTED BY | | | |
| Signature | Registration No. (Attorney/Agent) | 32,334 | Telephone (703) 205-8026 |
| Name (Print/Type) | Joe McKinney Muncy | Date | January 28, 2008 |

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